CLASS B

App. F IX—4

Previous References.

1963 (Forests)

File No. AFD 52

Serial Nos. FAF63

Later References.

Agriculture & Forest Department.

THE MYSORE GOVERNMENT SECRETARIAT

Serial Nos.

Part B for

SUBJECT

Control over private forests S. No. 118 120 121 etc of Mansapur, Tk. Khanapur Distt: Belgaum.

WD 09998—GPB—2,00,000—1-5-61

8/5/63 Fwd
8/10/63

NOT FOR NOTE BOOK
M. N. Ansari
for Under Secretary to Govt.

ಒಂದನೆಯ ಕಿರಿಯ.
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿ
ಶಾಸ್ತ್ರ ಇಲಾಖೆ (ಅರಣ್ಯ-ಬಿ)

AFD 52 FAF 63

Before issue of the Dft notf^n, L.D may see.

46 LAW DOH 16

OR 22/5

For perusal before issue

23/5 LO

LAW DEPARTMENT.

24/5/63

4) According to section 35(1) of the Indian Forest Act, the State Government may, by notification, regulate or prohibit in any forest or waste land the breaking or clearing of lands for cultivation, etc. when such regulation or prohibition appears necessary for any of the purposes specified in the said sub-section. Under sub-section (3) a notice to the owner of the concerned forest or land calling on him to show cause why such notification should not be made, should be issued and he should be given the opportunity to file his objections and adduce any evidence which he may produce. Whether these formalities have been observed in the present case are not clear. This should be verified. Besides, in the draft both the alternatives, namely, regulation or prohibition are mentioned. What exactly is proposed to be done should be indicated and the irrelevant portions struck of. The Administrative Secretariat may kindly do so and revise the draft accordingly.

(461)
24 MAY 1963
MANAGEMENT MEDICINE

21/5 - DI
25/5/63
26/5
Sri C.K.R.
27.5.63

MYSORE GOVT. SECRETARIAT
No. 449
7 JUN 1963
FOREST

(A. L. RATHAKRISHNAM)
Under Secretary, Law Dept.

7/6

AFD 52 ~~F~~ AF 63

Letter no. B6-GL-36255/62 dt 5-4-63 of the CCF & no. 3822/63.

Put up for perusal. The CCF has sub., draft notifn for publication u/s 35(1) of the I.F.A., in connection with the control over private forest S. nos. 118, 120, 121, 122 & 124 of Mandapur, Nilgaum Dr., The CCF has required for publication of the draft notifn.

R.D may see for concurrence.

CR
8/5/63

R.D)

BR
9/5/63

4378
4 MAY 1963
BRANCH

Office of the Registrar R.D.
Date. 10 MAY 1963
3749

2) R.D. may agree to the proposal of C.C.F & return to A&FD.

18/5/63

20/5

20/5

MYSORE GOVT. SECRETARIAT
No. 380
22 MAY 1963
AGRL. & FOREST DEPT. (FISH. SECTION)

BR 22/5/63

P.T.O.

AFD 52 FAF 63 4

Mysore Government Secretariat

File No. of 196 . [App. F. III 2

Serial No.

Reference para 4 n/f.

5) Please see the report of the Divisional Forest Officer, Belgaum Division, Belgaum. It is stated that a notice was issued u/s 35(3) of the I.F.A., 1927 in respect of Private S.Nos. requesting the owner of the said S.Nos. to show cause within two months from the date of receipt of the notice. Accordingly, the owner of the S.Nos. has intimated his objections and the remarks of the D.F.O. ~~thereon~~ at p. 5C/7. He ~~has also~~ felt that the S.Nos. adjoins the reserve forest and forms a compact block. The C.C.F. also states that the objections raised by the owner of the S.Nos. have been replied by the D.F.O. and hence he has no objection for the issue of the Draft Notification.

p 5C/7

6) However, in this connection it can be stated that it is the responsibility of the C.C.F. to observe all the formalities that require under the I.F.A., before submitting such proposals to ~~the~~ Government for approval.

7) However, if approved to, we may address the C.C.F. w/r to para 4 n/f.

For orders,

CR 10/6/63

8) Please put up a draft to C.C.F. re Para 4 of N.7.

9/CF.

9) Off to C.C.F. in put up (Ref. para 4.7 & n/7).

CR 17/6

JOR 15/6/63

Issue 22 19/6/63

Issued on 21-6-63

Note.—Contn. Sheet

File No. AFD 52 FAF of 1963

Mysore Government Secretariat

Serial No. 676 LAW VII/63.

O. No. 6048/63.

The ccf has no objn for the issue of the Notifn in view of the report furnished. Hence, before issue L.D may see the report of the ccf w/r to para 4 n/7.

CR 1/8/63

L.D) 2/8/63

3/8

Law Dept

4) Draft is revised.

M.L. RAMASWAMI, Under Secretary, Law Dept.

12) The notifn may now be issued.

CR 30/8 3 31/8

13) Draft Notification may be approved as scrutinised by L.D. This is to notify the control of Govt over private forest S.Nos 118, 120, 121, 122 and 124 of Mamsapur

MYSORE GOVT. SECRETARIAT (NOTIFN. & FOREST DEPT. (APPEAL SECTION)) 932 29 AUG 1963

MYSORE GOVT. SECRETARIAT No. 676 Sec 7 - 2 AUG 1963 LAW DEPTT. (REGISTRAR)

U/S - DI 6/8/63

Sr. CKR 7/8/63

29/8/63

AFD 52 FAF 63 6

Khanapur Tq, Belgaum under Sec 35 of Indian Forest Act as in force in erstwhile Bombay area.

DEPUTY SECRETARY TO GOVT. No. 5644 3 - SEP 1963 AGRICULTURE & FOREST DEPTT.

D.S

3/9/63

3.9

AGRICULTURE & FOREST SECRETARY 4558 3 SEP 1963 GOVERNMENT OF MYSORE

Secy

Opt Notification for Kas appl.

4.9

OFFICE OF THE MINISTER FOR FORESTS & FISHERIES No. 2330 5 SEP 1963 BANGALORE.

Minister for Forests

Approved BR 5.9.63

AGRICULTURE & FOREST DEPT. No. 4558 6 SEP 1963 GOVERNMENT OF MYSORE

S.A.7)

7.9

Issue

7/9/63

8/X/63

ISSUED

Date 7/10/1963

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
IN MYSORE, BANGALORE.

No. B-6-Gl. 36255/62 April 1963.

To

The Secretary to Government,
Agriculture & Forest Department,
Bangalore.

MYSORE GOVERNMENT SECRETARIAT
NO. 3822
7 MAY 1963
FOREST BRANCH

Sir,

MYSORE GOVT. SECRETARIAT
No. 85
4 MAY 1963
AGRL. & FOREST DEPT. (APPN. SECTION)

Sub:- Control over Private forest S. Nos. 118, 120, 121, 122 and 124 of Mansapur, Taluka Khanapur, District Belgaum.

I enclose herewith a copy of letter No. FOP-FST-BGM/1922 dated 12-3-1963 received from the Conservator of Forests, Belgaum submitting draft notification under section 35(1) of the Indian Forest Act as in force in Belgaum Circle in respect of S. Nos. 118, 120, 121, 122 and 124 of Mansapur village in Khanapur Taluk of the Belgaum District.

The objections raised by the owner of the Survey Nos. have been replied by the Divisional Forest Officer, Belgaum and there appears no objection to notify the Survey numbers under section 35(1) of the Indian Forest Act.

Government may therefore, kindly be moved to issue the accompanying draft notification under section 35(1) of the Indian Forest Act for publication in the Mysore Gazette ~~for publication in~~ with instructions to the Compiler of the Gazette to supply 25 copies of the printed notification to the Divisional Forest Officer, Belgaum and 5 copies to the Conservator of Forests, Belgaum for wide publicity.

Yours faithfully,

Chief Conservator of Forests.

No.FOP/F&T/BGM/1922

Office of the
Conservator of Forests
Belgaum Circle.

Belgaum: 12 March, 1963.

3

To

The Chief Conservator of Forests,
in Mysore, Bangalore.

Sir,

Subject: Control over private forest S.Nos.118,120, 121,122 and 124 of Mansapur Taluka Khanapur.

I am submitting herewith letter No.FOP/AFR/416-7 of 21-1-1963 of the D.F.O.Belgaum along with the 4 copies of the notification under section 35(1)of the I.F.A.192) in respect of the above S.Nos. The area of 8 acres out of the above was found to be under cultivation and hence the total area of the S.Nos is shown less after retaining a note to that effect The objection statement of the owner is also submitted.

2. A notice under section 35(3) of the I.F.A. 1927 issued by the Conservator of Forests was served on the owner on 24-11-1959 and the same has appeared in the Govt. Gazette dated 14-1-1960 in part III. Section II. The Government may therefore kindly be moved to issue the notification under section 35(i) of the I.F.A. 1927 in the Mysore Govt. Gazette and to arrange to supply 25 copies to the notification to the D.F.O.Belgaum and 5 copies to this office.

Yours faithfully

D. Ranjundappa 12/3
Conservator of Forests,B.C.

9/8

LETTER.

Subject:-Control over private forest S.Nos. 118, 120,121,122 and 124 of Mansapur Taluk Khanapur.

No.FOP/AFR/466/7/1962.63.
Belgaum, 21st January 1963.

To

The Conservator of Forests,
Belgaum Circle,
Belgaum.

Notice issued under your No.24/16/10068 of 27.10.59 under section 35(3) of the I.F.A. 1927 in respect of private forest Sy.Nos. 118,120,121,122 and 124 of Mansapur village in Khanapur Taluka requiring the owner of the said Sy.Nos. to show cause within two months from the date of receipt of the notice why notification under section 35(1) of the I.F.A. should not be issued, was served on him on 24.11.1959. The notice is published on pages 54 to 55 of the Mysore Government Gazette dated 14.1.1960 in part III Section2. In reply to this, the owner has intimated his objections by his petition dated 21.1.1960 copy enclosed. My remarks on the objections are as under:-

Para 1 to 3	:-	No remarks.
Para 4	:-	Ownership is not affected by the application of section 35 of I.F.A.1927.
Para 5	:-	The rights are in no way withdrawn. Only the exploitation in this area, is regulated in the interest of National wealth.
Para 6	:-	Permanent cultivation area is omitted from the application of section 35 of I.F.A. and cultivable areas fit for raising annual crops are also omitted. However shifting cultivation cannot be allowed since it involves the distruction of forest growth.
Para 7	:-	Working is regulated as per Model rules
Para 8	:-	If the owner permits the villagers they will be allowed to extract the forest produce as per Model Rules.
Para 9	:-	Permitted as per Model Rules and charges can be recovered by the owner to whom he supplies the forest produce.
Para 10	:-	No remarks.
Para 11 para 12 & 13 Para 14,15,16 and 17.	:-	By working the area on a sustained yield basis the owner's income will stabilise and it will be in his continued interest only since systemetic management ensures yield in perpetuity.
Para 18	:-	The rights of villagers will not be affected by the application of section 35 of I.F.A. 1927.
Para 19	:-	Felling in the areas needs to be regulated in the interest of National Wealth.

..2..

para 20 :- Question of interference does not arise. Cultivated areas and areas fit for cultivation are excluded from the application of section 35 of I.F.A. 1927. Cutting of tree-growth is regulated to discourage indiscriminate felling of tree-growth in the interest of the owner and the Nation.

These S.Nos. form a compact block of 503 acres 35 gunthas excluding an area of 8 acres which is under cultivation and the whole area adjoins Government forests. The area also contains stock of sandalwood trees and is fit for the application of section 35 of I.F.A.1927. Besides the entire area excepting S.No.124 gradually slopes towards Malaprabha river in the South and S.No.124 has a steeper slope. All this area forms catchment region of the river Malaprabha flowing nearby. Hence the absolute necessity of applying Sec. 35 of I.F.A.

A draft notification in quadruplicate is submitted herewith for taking further action in the matter. This office file (page 1 to 191) is also submitted for reference and return.

(Syed Hussain)
Divisional Forest Officer,
Belgaum Division, Belgaum.

N.K.19.1.

Application dated 21.1.1960 from the Vat-Mukhatyar Sri Sachhidanand Saraswati Swami of Kawale & Khanapur to the Divisional Forest Officer, Belgaum.

Subject:-Objections to Notice under section 35.

1. I have received a notice under No.24/16/10068 from the Conservator of Forests, Belgaum Circle, on 24.11.59 as per Notification of the Government of Mysore, Agricultural and Forest Department No.5133/43513-J dated 19.9.1950 under section 35 of Indian Forest Act XVI of 1927, in respect of my lands S.Nos. 118,120,121, 122 and 124 of Mansapur, Taluka Khanapur District Belgaum.

2. I am asked to give in writing my say to all clauses in sub-section of section 35 of the Indian Forest Act XVI of 1927 and Rules mentioned in two schedules attached to the Notice before the Divisional Forest Officer, Belgaum within the period of six months from the receipt of this notice.

3. My say to all clauses of sub-sections of sec.35 of the Indian Forest Act, XVI- of 1927, is: The Survey was mentioned in the Notice, viz, S.Nos. of Mansapur mentioned above, and they are surveyed as settled.

4. I have paid the occupancy price and regranted the lands on my name in 1953. I have received no compensation for the loss of all rights, including forest rights, and mine and mineral rights, formerly enjoyed by me.

5. These lands mentioned above are Devasthan lands and I am the owner of the soil and revenue. I have right to sell earth, stones, and mines and minerals in the said lands.

6. My tenants are inferior holders, residing in Mansapur and near-by and they have no sufficient lands to raise crops, such as paddy etc. in the said village. So they take cleared forest lands to raise Hangami crops like Nachana, Sava, Wari, Barga etc., on Hangami lease for a period lasting for five years. After that period, the lands become fallow. This is their main source of income to maintain their livelihood. No other remedies for their maintenance are existing. If they do not get the lands for raising Hangami crops, it is too difficult to pass their daily routine life. By raising crops in cleared forest, the forest is not affected in the least. Before cultivating the lands in cleared forest area they cut small shrubs and leaves of trees fallen, and all the grass is spread on the lands and burnt, which process is quite essential for raising Hangami crops in the forest and Jirayat lands. And every care is taken as they are quite aware of the spread of fire all around.

7. No good grass which would be use-ful for cattle is grown in such lands. So they cut green and immature leaves of trees and use the same as fodder for their cattle at home.

8. Villagers use the dried stumps of trees for firewood at home. If they require any wood for building purposes, and bamboos, they apply for cutting the same for building purposes and for firewood. They also take permission to take earth, stones etc. from the above lands for use in constructing houses. They first stem the trees by their axes and leave them as they are, for a period of six months and then prepare firewood for domistic purpose.

9. Some of the trees in the forest are useful for using as medicine. They take bark from such trees and make use of it as medicine. They do this with my permission, paying reasonable charges.

10. We have appointed a Forest Guard to watch and to send report to my office. Application is sanctioned only on his recommendation.

11. All my fallow and forest lands are re-surveyed and settled, and now I am paying full assessment(Judi) for the same.

12. I sell wood of all sorts excluding Harda, Teak Sandalwood in my Inam village of Mansapur, by calling tenders. My contractors who purchase wood from me, also prepare charcoal with my permission.

13. The present contract is give to Shriyuts, D.N.Patil of Idalhondand S.Y.Gurav of Genebail,(Tal-Khanapur) for a period of three years which is expire by the end of June 1960.

14. I have given some of the lands under reference for cultivation of Hangami crops.

15. I was paying the income-tax for the forest income.

16. I have had mines and mineral rights to take out Bauxite, earth, sand and all kinds of metal stones in the said S.Nos. As present there are Harda, Sandalwood, Teak Sissum, Mango, Jack-fruit trees, etc. in addition to jungle-wood useful for fire and timber wood.

17. In case sec. 35 of the Indian Forest Act 1927, is strictly applied in my case, it will greatly affect my sources of forest income.

18. The villagers will be deprived of their rights to maintain their lands and cattle.

19. I will abide by the rules of cutting wood by contract.

20. I further request kindly you kindly not to interfere the contracts given by me for cutting and cultivation of lands for Hangami crops.

So is my say to the two schedules attached to the Notice.

I request you kindly to consider sympathetically over the present pittiable position of the land owners and Inamdars, and hence the notice in question should not be applied at this juncture.

oooooooooooooo

" copy "

Kacat.16.1.

Stencil

(b) AT-9 52 FAF 63

13

1-10-63

NOTIFICATION.

Whereas a notice has been issued under sub-section (3) of Section 35 of the Indian Forest Act, 1927, to ...Sri Sachidanand Sarswati... the owner of the Forest specified in the schedule hereto annexed, to show cause why a notification under sub-section (1) of ~~Section 35 of~~ the said ~~Act,~~ should not be made prohibiting or regulating the acts specified in the draft notification attached to the said notice; /Swami of Khanapur District Belgaum.

And whereas the objections raised by the said owner to the issue of a notification and evidence produced by him have been heard and considered by Government;

~~And whereas no objections have been taken by the said owner to the issue of a notification;—~~

And whereas it appears to the Government of Mysore that it is necessary:—

(a) For the conservation of trees and forests;

(b) For the preservation and improvement of soil or the protection of land against erosion or the deposit thereon of sand, stones or gravel;

(c) For the improvement of grazing;

(d) For the maintenance of water supply in springs, rivers and tanks;

(e) For the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;

(f) For the preservation of public health;

(A) To prohibit in the Forests specified in the Schedule appended here to the following acts:—

(a) Breaking or clearing of the land for cultivation;

(b) Setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measures to extinguish it shall be taken by the owner promptly.

(c) Burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;

(d) Lopping of trees of the following species for the purpose of tahal:—

Teak, Mango, Sissum, Moha, Hirda, Khair, Bibbla *i.e.*, Honni, Shivan, Chandan, Apta and Temburni. and

(B) To regulate in the forests specified in the Schedule appended hereto the following acts:—

(a) Marking of trees in flat areas and moderate slopes shall be done on sylvicultural principles approved by the Divisional Forest Officer Belgaum. and in the steep and precipitous slopes on the principles of protection where only dead trees may be removed.

(b) Pasturing of cattle:—

(i) Not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) Sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, ..Belgaum. but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122 (v) of the Bombay Forest Manual, Vol. III.

(c) Girdling of trees shall not be permitted unless the removal of tree is sylviculturally desirable.

(d) Tapping of trees shall be allowed in the manner and during the period as may be prescribed for different species by the Divisional Forest Officer, ...Belgaum.

(e) Stripping off bark of trees shall not be allowed unless otherwise specifically permitted by the Divisional Forest Officer, ..Belgaum.

(*f*) Stripping of leaves of fodder tree shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(*g*) Lopping of trees of the species other than those mentioned under A (*d*) shall be permitted in the manner prescribed by the Divisional Forest Officer, Belgaum.

(*h*) Clearing of under growth shall not be allowed except under the privileges sanctioned by Government for the neighbouring Government Forests.

(*i*) Pollarding of economic species such as Apta, Temburni and other species useful as lac hosts shall be allowed by rotation during the period and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(*j*) Cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer, Belgaum with due consideration to sylvicultural requirements of the crop. Rules in this connection are enclosed herewith. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, Belgaum.

(*k*) Quarrying shall be done only in the places approved by the Divisional Forest Officer, Belgaum. Quarrying shall not be permitted if sacrifice of good tree growth is involved.

(*l*) Burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 35 of the Indian Forest Act, 1927 (XVI of 1927), as in force in the Bombay Area, the Government of Mysore hereby,

(A) Prohibits. The acts referred to at A above
(B) Regulates. (A)-*above* and (B)-*above* the acts referred to at B. above.

SCHEDULE.

District	Taluka	Village	S.No.	Area
				A. G.
Belgaum.	Khanapur	Mansapur	118	21- 1
			120	20-22
			121	21-21
			122	9-18
			124	431.13
			Total..	503.35

Boundaries.

North	East	South	West
S.No.120 & 139 of Mansapur	S.No.117 of Mansapur.	Nala & S.No.116	S.No.121
S.No.124 of Mansapur	S.No.117 "	S.No.118,139	S.No.121
S.No.122 of Mansapur	S.No.120 "	S.No.118	River
Village boundary of Otoli	S.No.124 "	S.No.121	S.No.123 & river.
-do- -do-	S.No.128,127,133 134,136 of "	S.No.116,115 113,112,126,111 110,107,106 &89.122,121.120 & 117.	Otoli village boundary

Note:- The area under cultivation is excluded.

S.No.	Area of S.No.	Area under cultivation.
118	21- 1	-
120	20-22	-
121	21-21	-
122	9-18	-
124	439-13	8-0

By Order and in the name of the Governor of Mysore,

Deputy Secretary to Government,
Agriculture and Forest Department.

15

RULES FOR FELLING IN PRIVATE FORESTS.

1. All mature, dead and dying trees shall be removed irrespective of species and girth (Dying tree means the tree of which half the crown is dead).

2. At least 20 timber trees of the following important species between 18″ and 36″ in girth at breast height shall be reserved per acre well distributed in the area of exploitation.

Teak, Sissum, Karimuttal, Nandi, Honni, Heddi, Kindal, etc.

The trees to be reserved under this rule shall be sound ones. In case the trees of the species mentioned above of the minimum prescribed girth are not available equal number of trees of the maximum available girth shall be retained well distributed in the area of exploitation.

3. Soft wood species, *viz.*, Sawar, Ambada, etc., below 36″ girth at breast height shall be retained.

4. Fruit trees and trees yielding important economic forest products such as Ambad (Mango), Phanas (Jack), Kaju, Amla, Karanj, etc., shall not be cut. Over mature trees of the species may be felled after they are certified by the Range Forest Officer.

5. All sandalwood trees below 12″ girth at breast height (except dead and dying trees) shall be retained.

6. No trees of any species below and up to 12″ girth at breast height shall be allowed to be cut except those mentioned in rule 1 above. Trees of the species other than those mentioned in rule Nos. 2, 3, 4 and 5 below 12″ girth at breast height should be felled only if they are interfering with trees of the abovementioned timber and other species or likely to interfere with future coppice shoots of the timber species to be felled. Under no circumstances should large gaps be created in the canopy.

7. No area should be clearfelled on the tops of steep hills where heavy erosion is feared. Such area shall be delineated by giving tar bands at breast height to the boundary trees which shall be approved by the Range Forest Officer.

8. Trees to be reserved under rules 2, 3 and 4 should be marked with tar bands.

9. All live and sound trees to be felled shall be cut flush with the ground and the stools should be cut within 3″ of the ground level.

10. Reserved trees when infested with climbers shall be freed.

11. All dragging paths shall be refilled.

12. Before felling is started the area shall be inspected by the Range Forest Officer. He will also inspect the area after the felling is completed and furnish a certificate of the satisfactory completion of the work to the Divisional Forest Officer, ...Belgaum.

13. Thinning and cleaning in coppice growth shall be carried out as under:—

If the number of stems (or shoots) is more than 3 in case of stools of and over 24″ in girth at ground level, and more than 2 in the case of stools below 24″ girth at ground level, the number of stems in excess of the above number shall be cut back. The most promising stems shall be retained and bad ones shall be removed.

14. The periodicity of felling will be limited to 20 years cycle and hence the area once worked will not be allowed to go worked till 20 years have elapsed from the year of previous working.

To
The Compilor, Mysore Gazette for publication. I with a request to supply 25 copies of the printed notify to the DFO, Bgm + 5 copies to the C.F., Bgm for wide publicity

Copy to —
1) CCF
2) Addl Comr, Bgm
3) DC — Bgm
4) C.F., Bgm
5) RO
6) G/S

WD 05929—GPB—6,500—24-10-59

16 9

To El: cue 21-6-63

C.C.F.

Sir,

- P.U.d. -

-- 1/c.

W/r to your letter No. B.6 - Gl - 38255/62 dated 3-5-1963, on the above subject, I am directed to state that according to Sec. 35(1) of the I.F.A., the Government may, by notifications, regulate or prohibit in any forest or waste land the breaking or clearing of lands for cultivation, etc., when such regulation or prohibition appears necessary for any of the purposes specified in the said Sub-Sn., Also, under Sub-Sec. (3), a notice to the owner of the concerned forest or land calling on him to show cause why such notification should not be made, should be issued and he should be given the opportunity to file his objections and adduce any evidence which he may produce.

Issued 26/6

Hence, I am to request you to clarify whether these formalities have been observed in the present case are not, as the information is not readily available from the Case Papers.

Secondly, I am directed to state that in the draft notification subd., to Government, both the alternatives - namely, ~~xxxxxx~~ regulation or prohibition are mentioned. Hence, what exactly to be done should be indicated and the irrelevant portions struck of. The Draft Notification subd., to Govt., in your letter u/r is returned herewith for resubmission along with the above information.

Y.F.,

(11) 17

No. B-6-G1-36255/62.
Enc. one draft Notifi.)

Office of the Chief Conservator
of Forests in Mysore Bangalore.
Dated 27 July 1963.

To

The Secretary to Government,
Agriculture and Forest Department,
Bangalore.

MYSORE GOVT. SECRETARIAT
30 JUL 1963
AGRL. & FOREST DEPT. (APPAL SECTION)

Sub:-Control over private Forest S.Nos.118,120, 121,122 and 124 of Mansapur, Taluk Khanapur, District - Belgaum.

Ref:-Govt. letter No. AFD 52 FAF 63 dt. 21-6-1963.

BR 30/7/63

The Conservator of Forests Belgaum in his letter No. FOP-FST.BGM-1922 dated 12-3-1963, a copy of which has already been submitted to Government with this office letter of even No. dated 3-5-1963, has made it clear that a notice under Section 35(3) of the Indian Forest Act was issued by him and served on the owner on 14-1-1959 and the same had also appeared in the Government Gazette dated 14-1-1960.

The objection statement filed by the owner and the clarification given by the Divisional Forest Officer to him have also been submitted to Government for perusal with this office letter of even No. dated 3-5-1963.

The Acts prohibited and those to be regulated indicated under clauses (A) & (B) of the draft notification are relevant and need no change.

So, there is no objection to issue the draft notification which is enclosed herewith, for publication.

MYSORE GOVERNMENT SECRETARIAT
No. 6048/63
31 JUL 1963
FOREST BRANCH

Yours faithfully,

Chief Conservator of Forests.

kes/

GOVERNMENT OF MYSORE

No: AFD 52 FAF 63

Mysore Government Secretariat,
'Vidhana Soudha'
Bangalore, dated, 1st

NOTIFICATION

Whereas a notice has been issued under sub-section (3) of section 35 of the Indian Forest Act, 1927, to Sri Sachidanand Saraswati Swami of Khanapur District, Belgaum the owner of the forest specified in the schedule hereto annexed, to show cause why a notification under sub-section (1) of the said section should not be made prohibiting and regulating the acts specified in the draft notification attached to the said notice;

And whereas the objections raised by the said owner to the issue of a notification and evidence produced by him have been heard and considered by Government;

And whereas it appears to the Government of Mysore that it is necessary:-

(a) for the conservation of trees and forests;

(b) for the preservation and improvement of soil or the protection of land against erosion or the deposit thereon of sand, stones or gravel;

(c) for the improvement of grazing;

(d) for the maintenance of water supply in springs, rivers and tanks;

(e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;

(f) for the preservation of public health;

(A) To prohibit in the forests specified in the Schedule appended hereto the following acts:-

(a) breaking or clearing of the land for cultivation;

(b) setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measures to extinguish it shall be taken by the owner promptly.

(c) burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;

(d) lopping of trees of the following species for the purpose of tahal:-

Teak, Mango, Sissum, Moha, Hirda, Khair, Bibbla i.e., Honni, Shivan'Chandan, Apta and Temburni, and

(B) To regulate in the forests specified in the Schedule appended hereto the following acts:-

(a) marking of trees in flat areas and moderate slopes shall be done on sylvicultural principles approved by the Divisional Forest Officer, Belgaum and in the steep and precipitous slopes on the principles of protection where only dead trees may be removed.

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(b) pasturing of cattle:-

(i) not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, Belgaum but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122 (v) of the Bombay Forest Manual, Vol. III.

(c) girdling of trees shall not be permitted unless the removal of tree is s ylviculturally desirable.

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(f) stripping of leaves of fodder tree shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(g) lopping of trees of the species other than those mentioned under A (d) shall be permitted in the manner prescribed by the Divisional Forest Officer, Belgaum.

(h) clearing of under growth shall not be allowed except under the privileges sanctioned by Government for the neighbouring Government Forests.

(i) pollarding of economic species such as Apta, Temburni and other species useful as lac hosts shall be allow ed by rotation during the period and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(j) cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer, Belgaum with due consideration to sylvicultura requirements of the crop. Rules in this connection are enclosed herewith. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, Belgaum.

(k) quarrying shall be done only in the places approved by the Divisional Forest Officer, Belgaum. Quarrying shall not be permitted if sacrifice of good tree growth is involved.

(l) burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 35 of the Indian Forest Act, 1927 (XVI of 1927), as in force in the Bombay Area, the Government of Mysore hereby prohibits the acts referred to at A above and regulates the acts referred to at B above.

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'Vidhana Soudha'
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And whereas the objections raised by the said owner to the issue of a notification and evidence produced by him have been heard and considered by Government;

And whereas it appears to the Government of Mysore that it is necessary:-

(a) for the conservation of trees and forests;

(b) for the preservation and improvement of soil or the protection of land against erosion or the deposit thereon of sand, stones or gravel;

(c) for the improvement of grazing;

(d) for the maintenance of water supply in springs, rivers and tanks;

(e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;

(f) for the preservation of public health;

(A) To prohibit in the forests specified in the Schedule appended hereto the following acts:-

(a) breaking or clearing of the land for cultivation;

(b) setting of fire to the area for the purpose of clearing the ground for Shikar or for promoting better growth of grass. If any fire occurs by accident all possible measures to extinguish it shall be taken by the owner promptly.

(c) burning of any tree in the land even if it is dead for the purpose of hunting or collection of honey;

(d) lopping of trees of the following species for the purpose of tahal:-

Teak, Mango, Sissum, Moha, Hirda, Khair, Bibbla i.e., Honni, Shivan'Chandan, Apta and Temburni, and

(B) To regulate in the forests specified in the Schedule appended hereto the following acts:-

(a) marking of trees in flat areas and moderate slopes shall be done on sylvicultural principles approved by the Divisional Forest Officer, Belgaum and in the steep and precipitous slopes on the principles of protection where only dead trees may be removed.

..2.

(b) pasturing of cattle:-

(i) not more than 2 heads of horned cattle per acre shall be allowed to be grazed in the area.

(ii) sheep shall be allowed to graze in specified area approved by the Divisional Forest Officer, Belgaum but limited to the carrying capacity and goats at the rate of not more than 2 per hundred sheep as prescribed in Article 122 (v) of the Bombay Forest Manual, Vol. III.

(c) girdling of trees shall not be permitted unless the removal of tree is s ylviculturally desirable.

(d) tapping of trees shall be allowed in the manner and during the period as may be prescribed for different species by the Divisional Forest Officer, Belgaum.

(e) stripping off bark of trees shall not be allowed unless otherwise specifically permitted by the Divisional Forest Officer, Belgaum.

(f) stripping of leaves of fodder tree shall be permitted by rotation and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(g) lopping of trees of the species other than those mentioned under A (d) shall be permitted in the manner prescribed by the Divisional Forest Officer, Belgaum.

(h) clearing of under growth shall not be allowed except under the privileges sanctioned by Government for the neighbouring Government Forests.

(i) pollarding of economic species such as Apta, Temburni and other species useful as lac hosts shall be allow ed by rotation during the period and in the manner prescribed by the Divisional Forest Officer, Belgaum.

(j) cutting of trees shall be regulated according to girth limits prescribed by the Divisional Forest Officer, Belgaum with due consideration to sylvicultural requirements of the crop. Rules in this connection are enclosed herewith. Trees to be felled or retained, whichever are less in number shall be marked according to the prescriptions laid down by the Divisional Forest Officer, Belgaum.

(k) quarrying shall be done only in the places approved by the Divisional Forest Officer, Belgaum. Quarrying shall not be permitted if sacrifice of good tree growth is involved.

(l) burning of lime and charcoal shall be done preferably on flat areas taking care to see that the fire does not spread and destroy the vegetation,

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 35 of the Indian Forest Act, 1927 (XVI of 1927), as in force in the Bombay Area, the Government of Mysore hereby prohibits the acts referred to at A above and regulates the acts referred to at B above.

GOVERNMENT OF MYSORE

No: AFD 52 FAF 63

Mysore Government Secretariat,
'Vidhana Soudha'
Bangalore, dated, 1st [illegible]

NOTIFICATION

Whereas a notice has been issued under sub-section (3) of section 35 of the Indian Forest Act, 1927, to Sri Sachidanand Saraswati Swami of Khanapur District, Belgaum the owner of the forest specified in the schedule hereto annexed, to show cause why a notification under sub-section (1) of the said section should not be made prohibiting and regulating the acts specified in the draft notification attached to the said notice;

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(d) for the maintenance of water supply in springs, rivers and tanks;

(e) for the maintenance, increase and distribution of the supply of fodder, leaf manure, timber and fuel;

(f) for the preservation of public health;

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Teak, Mango, Sissum, Moha, Hirda, Khair, Bibbla i.e., Honni, Shivan'Chandan, Apta and Temburni, and

(B) To regulate in the forests specified in the Schedule appended hereto the following acts:-

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No: AFD 52 FAF 63

Mysore Government Secretariat,
'Vidhana Soudha'
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(d) for the maintenance of water supply in springs, rivers and tanks;

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SCHEDULE

District	Taluka	Village	S.No.	Area. A G
Belgaum	Khanapur	Mansapur	118	21 - 1
			120	20 -22
			121	21 -21
			122	9 -18
			124	431- 13
			Total:	503 -35

BOUNDARIES

North	East	South	West
S.No.120 & 139 of Mansapur	S.No.117 of Mansapur	Nala & S.No.116	S.No.121
S.No.124 of Mansapur	S.No.117 of Mansapur	S.No.118, 139	S.No.121
S.No.12[illegible] of Mansapur	S.No.120 of Mansapur	S.No. 118	River
Village boundary of Otoli	S.No. 124 of Mansapur	S.No. 121	S.No.123 & river.
-do- -do-	S.No.128,127, 133,134,136 of Mansapur.	S.No.116,115, 113,112,126,111 110,107,106 & 89 122,121,120& 117.	Otoli village boundary.

Note:- The area under cultivation is excluded.

S.No.	Area of S.No.	Area under cultivation.
118	21 - 1	-
120	20- 22	-
121	21- 21	-
122	9- 18	-
124	439- 13	8-0

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MYSORE,

T.S. Ramaiya
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Dept.

To:
The Compiler, Mysore Gazette for publication and with a request to supply 25 copies of the Notification to the Divisional Forest Officer, Belgaum and 5 copies to the Conservator of Forests, Belgaum for wide publicity.

Copy to:
1. The Chief Conservator of Forests, Bangalore.
2. The Divisional Commissioner, Belgaum.
3. The Deputy Commissioner, Belgaum.
4. The Conservator of Forests, Belgaum.
5. The Revenue Department.
6. The Weekly Gazette.

Rhr/24.9

SCHEDULE

District	Taluka	Village	S.No.	Area. A G
Belgaum	Khanapur	Mansapur	118	21 - 1
			120	20 -22
			121	21 -21
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			124	431- 13
			Total:	503 -35

BOUNDARIES

North	East	South	West
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S.No.124 of Mansapur	S.No.117 of Mansapur	S.No.118, 139	S.No.121
S.No.12[illegible] of Mansapur	S.No.120 of Mansapur	S.No. 118	River
Village boundary of Otoli	S.No. 124 of Mansapur	S.No. 121	S.No.123 & river.
-do- -do-	S.No.128,127, 133,134,136 of Mansapur.	S.No.116,115, 113,112,126,111 110,107,106 & 89 122,121,120& 117.	Otoli village boundary.

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S.No.	Area of S.No.	Area under cultivation.
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S.No.124 of Mansapur	S.No.117 of Mansapur	S.No.118, 139	S.No.121
S.No.12[illegible] of Mansapur	S.No.120 of Mansapur	S.No. 118	River
Village boundary of Otoli	S.No. 124 of Mansapur	S.No. 121	S.No.123 & river.
-do- -do-	S.No.128,127, 133,134,136 of Mansapur.	S.No.116,115, 113,112,126,111 110,107,106 & 89 122,121,120& 117.	Otoli village boundary.

Note:- The area under cultivation is excluded.

S.No.	Area of S.No.	Area under cultivation.
118	21 - 1	-
120	20- 22	-
121	21- 21	-
122	9- 18	-
124	439- 13	8-0

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MYSORE,

T.S.Ramaiya
(T.S.Ramaiya)
Under Secretary to Government,
Agriculture & Forest Dept.

To:
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2. The Divisional Commissioner, Belgaum.
3. The Deputy Commissioner, Belgaum.
4. The Conservator of Forests, Belgaum.
5. The Revenue Department.
6. The Weekly Gazette.

Rhr/24.9

SCHEDULE

District	Taluka	Village	S.No.	Area. A G
Belgaum	Khanapur	Mansapur	118	21 - 1
			120	20 -22
			121	21 -21
			122	9 -18
			124	431- 13
			Total:	503 -35

BOUNDARIES

North	East	South	West
S.No.120 & 139 of Mansapur	S.No.117 of Mansapur	Nala & S.No.116	S.No.121
S.No.124 of Mansapur	S.No.117 of Mansapur	S.No.118, 139	S.No.121
S.No.12[illegible] of Mansapur	S.No.120 of Mansapur	S.No. 118	River
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S.No.124 of Mansapur	S.No.117 of Mansapur	S.No.118, 139	S.No.121
S.No.124 of Mansapur	S.No.120 of Mansapur	S.No. 118	River
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SCHEDULE

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